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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,993	10/03/2000	Curt J. Witte	9201-3	5689

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EXAMINER

HECK, MICHAEL C

ART UNIT PAPER NUMBER

3623

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,993

Applicant(s)

WITTE ET AL.

Examiner

Michael Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a First Office Action in response to the application filed 03 October 2000. Claims 1-69 are pending in this application and have been examined on the merits as discussed below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 144. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds 150 words.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-7, 10, 14-20, 22-32, 35, 39-45, 47-54, 57, 61-67, and 69 are rejected under 35 U.S.C. 102(a) as being anticipated by Business/Technology Editors (Business/Technology Editors, Webhire Links Corporate Recruiting Desktops to Over 2,000 Job Posting Sites, Business Wire, New York, March 2, 2000 [PROQUEST]). Business/Technology Editors disclose a method, system, and computer program products for selecting a job post site to which a job opening description may be posted by ranking job post sites based on one or more selection criteria comprising:

- [Claim 1] obtaining at least one job post site selection criterion (Business/Technology Editors, Para 4, Business/Technology Editors teaches an online tool that helps target jobs to the most appropriate online destination. Implicitly, a selection criterion is employed);
- automatically ranking a plurality of job post sites based on the at least one job post site selection criterion (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career sites. Implicitly, the career sites are identified and ranked); and
- selecting the job post site from the plurality of job post sites based on the ranking of the plurality of job post sites (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career sites. Implicitly, the career sites are identified and ranked).
- [Claim 2] accessing a fact table that contains data relevant to the at least one job post site selection criterion; and using an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job

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post sites based on the at least one job post site selection criterion (Business/Technology Editors, Para 4, Business/Technology Editors teaches an online tool that helps target jobs to the most appropriate online destination and the online job site search tool helps recruiters target their jobs to the most appropriate career sites. Implicitly, the career sites are identified and ranked. Inherently, a computer is used with access to a database.).

- [Claim 3] obtaining a geographic location criterion; obtaining a skill set criterion; and obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates.).
- [Claim 4] identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion; ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites; identifying job post sites of the plurality of job post sites that satisfy the skill set criterion; and ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates.).
- [Claim 5] accessing a geographic location fact table that contains data relevant to the geographic location criterion; accessing a job post site performance fact table that contains data relevant to the job post site performance criterion; using an inference engine to process the geographic location criterion and the geographic location fact table to identify the job post sites of the plurality of job post sites that satisfy the geographic location criterion; and using the inference engine to process the identified job post sites that satisfy the geographic location criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters

quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates. Inherently, a computer is used with access to a database.).

- [Claim 6] accessing a skill set fact table that contains data relevant to the skill set criterion; accessing a job post site performance fact table that contains data relevant to the job post site performance criterion; using an inference engine to process the skill set criterion and the skill set fact table to identify the job post sites of the plurality of job post sites that satisfy the skill set criterion; and using the inference engine to process the identified job post sites that satisfy the skill set criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates. Inherently, a computer is used with access to a database.).
- [Claim 7] combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates. Inherently, a computer is used with access to a database.).
- [Claim 10] obtaining at least one job post site selection criterion (Business/Technology Editors, Para 4, Business/Technology Editors teaches an online tool that helps target jobs to the most appropriate online destination. Implicitly, a selection criterion is employed);
- automatically ranking a plurality of job post sites based on the at least one job post site selection criterion (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career sites. Implicitly, the career sites are identified and ranked);

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- selecting at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career sites. Implicitly, the career sites are identified and ranked); and
- posting the job opening description to the selected at least one job post site (Business/Technology Editors, Para 5, Business/Technology Editors teaches The corporate recruiters enter a job description once, and within just a few mouse clicks, send that job to any or all of the recruiting destinations.).
- [Claim 14] converting the job opening description into a format compatible with the selected at least one job post site; and sending the converted job opening description to the at least one job post site (Business/Technology Editors, Para 5, Business/Technology Editors teaches The corporate recruiters enter a job description once, and within just a few mouse clicks, send that job to any or all of the recruiting destinations. Implicitly, the job opening is formatted to be compatible with the recruiting destination.).
- [Claim 15] accessing a fact table that contains data relevant to the at least one job post site selection criterion; and using an inference engine to process the at least one job post site selection criterion and the first fact table to rank the plurality of job post sites based on the at least one job post site selection criterion (Business/Technology Editors, Para 4, Business/Technology Editors teaches an online tool that helps target jobs to the most appropriate online destination and the online job site search tool helps recruiters target their jobs to the most appropriate career sites. Implicitly, the career sites are identified and ranked. Inherently, a computer is used with access to a database.).
- [Claim 16] obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates; and wherein the at least one job post site selection criterion comprises: a geographic location criterion; and a skill set criterion (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates.).
- [Claim 17] identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion; automatically ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites; identifying job post sites of the plurality

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of job post sites that satisfy the skill set criterion; and automatically ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates.).

- [Claim 18] automatically ranking the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career sites. Job site searches can be targeted regionally. Implicitly, the career sites are identified and ranked).
- [Claim 19] selecting the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites (Business/Technology Editors, Para 6, Business/Technology Editors teaches the online job site search tool helps recruiters target their jobs to the most appropriate career site. Corporate recruiters quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates.).
- [Claim 20] converting the job opening description into a respective format compatible with a respective one of the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites; and sending the respective converted job opening description to the respective one of the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites (Business/Technology Editors, Para 5, Business/Technology Editors teaches The corporate recruiters enter a job description once, and within just a few mouse clicks, send that job to any or all of the recruiting destinations. Implicitly, the job opening is formatted to be compatible with the recruiting destination.).
- [Claim 22] converting the job opening description into a format compatible with the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user; and sending the converted job opening description to the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job

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post sites obtained from the end user (Business/Technology Editors, Para 5, Business/Technology Editors teaches The corporate recruiters enter a job description once, and within just a few mouse clicks, send that job to any or all of the recruiting destinations. Implicitly, the job opening is formatted to be compatible with the recruiting destination.).

Claims 23-32, 35, 39-45, 47-54, 57, 61-67 and 69 substantially recites the same limitations as that of claims 1-7, 10, 14-20 and 22 with the distinction of the recited method being a system and a computer program product. Hence the same rejection for claims 1-7, 10, 14-20 and 22 as applied above applies to claims 23-32, 35, 39-45, 47-54, 57, 61-67 and 69.

Allowable Subject Matter

6. Claims 8, 9, 11-13, 21, 33, 34, 36-38, 46, 55, 56, 58-60, and 68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Business/Technology Editors (Business/Technology Editors, Deploy Solutions Offers Customer Choice With the General Availability of Employ!, Business Wire, June 12, 2000, [DIALOG: file 16]) discloses Employ! BroadPost which is an automatic job posting technology. It allows users to easily post and manage positions to multiple job boards at specific times.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-9419 [Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch
3 November 2003

Romain Janty
Patent Examiner
Art Unit 3623